

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOYCE ANN WITHROW,)
)
Plaintiff,)
)
vs.) No. CIV-08-1355-D
)
MICHAEL J. ASTRUE, Commissioner,)
Social Security Administration,)
)
Defendant.)

ORDER

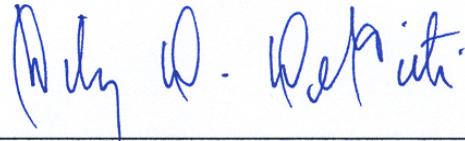
Plaintiff brought this action to obtain review of the defendant Commissioner's decision denying her application for disability insurance and supplemental security income benefits. The matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). On September 3, 2009, Judge Argo filed a Report and Recommendation [Doc. No. 22] in which he recommended that the decision of the Commissioner be reversed and the matter remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to THE same and scheduled a September 23, 2009 deadline. The Magistrate Judge further cautioned the parties that a failure to timely object would constitute a waiver of the right to appeal the findings and conclusions set forth in the Report and Recommendation. The deadline for filing objections has expired; to date, neither party has filed objections nor sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 22] is adopted as though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying Plaintiff's

application is REVERSED, and this matter is REMANDED to the Commissioner pursuant to 42 U.S.C. §405(g) for further proceedings in accordance with the Report and Recommendation requirements set forth at pages 4-6 therein.

IT IS SO ORDERED this 9th day of November, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED this ____ day of October, 2004.